

ENTERED

May 18, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC WAYNE LLOYD,

Plaintiff,

VS.

SERGEANT VILLARREAL, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:21-CV-00305

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO
RETAIN CASE AND DISMISS CERTAIN CLAIMS**


On April 7, 2022, United States Magistrate Judge Mitchel Neurock issued a “Memorandum and Recommendation to Retain Case and Dismiss Certain Claims” (M&R, D.E. 15) after an initial screening of the complaint. Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 15), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the

Magistrate Judge. Accordingly, the Court **RETAINS** the following claims: (1) Fourth Amendment excessive force claims against Sergeant Villarreal and Deputy Meakins in their individual capacities; and (2) a deliberate indifference claim against Jail Administrator Michael Page in his individual capacity. The Court further **DISMISSES WITH PREJUDICE** the following claims for failure to state a claim pursuant to §§ 1915(e)(2)(B) and 1915A(b)(1): (1) Plaintiff's claims against Defendants in their official capacities; and (2) Plaintiff's remaining claim against Jail Administrator Page for verbal abuse and harassment.

ORDERED on May 18, 2022.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE